

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THOMAS DAVID STRODE,	:	
Plaintiff	:	No. 1:21-cv-00291
	:	
v.	:	(Judge Kane)
	:	
DEANNA PARK, <u>et al.</u>,	:	
Defendants	:	

ORDER

AND NOW, on this 31st day of May 2022, upon consideration of Defendants' motion for reconsideration, Plaintiff's motions for reconsideration, and the related briefing, and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. Defendants' motion for reconsideration (Doc. No. 71) is **DENIED**;
2. Plaintiff's motions for reconsideration (Doc. Nos. 76, 77) are **DENIED**;
3. Defendants, if they elect to do so, shall file a renewed motion for summary judgment on or before **June 21, 2022**. That motion shall be limited to the issue of whether Plaintiff exhausted available administrative remedies at the Franklin County Jail with respect to his Sixth Amendment claim against Defendant Deanna Park on the basis that she remained in the room on July 20, 2020, when Plaintiff was on the telephone with his attorney. That motion shall stand alone and shall not incorporate any previously filed motions for summary judgment or reconsideration;
4. Plaintiff, if he elects to do so, shall file a response to Defendants' motion for summary judgment on or before **July 12, 2022**; and
5. The Court once again notifies the parties that, if Defendants elect to file a renewed motion for summary judgment, the Court will consider the issue of exhaustion in its role as a fact-finder. See Paladino v. Newsome, 885 F.3d 203, 211 (3d Cir. 2018); Small v. Camden Cty., 728 F.3d 265, 271 (3d Cir. 2013).

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania